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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,893	01/21/2004	Andrew M. Bober	JD-326-US	1892
24804	7590	10/01/2008		
JohnsonDiversey, Inc. 8310 16TH STREET, M/S 509 PO BOX 902 STURTEVANT, WI 53177-0902			EXAMINER PATEL, RITA RAMESH	
			ART UNIT	PAPER NUMBER
			1792	
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			10/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,893	Applicant(s) BOBER ET AL.	
	Examiner RITA R. PATEL	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Amendments

This Office Action is responsive to the amendment filed on 7/10/08. Claims 1-49 are pending. Claims 1, 22, and 34 have been amended. Claims 44-49 are new. Applicant's arguments have been considered, however, upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1-49 are finally rejected for the reasons of record.

Applicant's Remarks filed 7/10/08 are drawn to the former rejection and are now considered moot because of a new grounds of rejection taught herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 21-39, and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oretti et al. herein referred to as "Oretti (Patent No. 6,266,839) further in view of Kim (US Patent No. 6,092,255) and Rivera et al. herein referred to as "Rivera" (US Patent No. 5,094,559).

Oretti teaches a brush having a dust pan 30 (scoop), blade 12 formed of rubbery thermoplastic material (squeegee) having an internal extension 9 (cylindrical portion),

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handle 3 (attachment member), and support structure (head). The blade is attached to the dust pan by an integral attachment region. Oretti teaches the dust pan has a pan portion 35 (first wall) and sides 37 (second wall); between the pan portion and sides there appears to be a right angle, however it would have been obvious to one of ordinary skill in the art at the time of the invention to make this angle adjustable to form other angles such as an obtuse angle to form a wide scooping area, for ergonomic use in gathering dust, and for aesthetic reasons which may make the dust pan appear to be able to hold more in its cavity.

Although Oretti teaches the claimed scoop and squeegee, Oretti is silent regarding a cleaning pad. The bristles member 11 is shown to be attached to the blade, but Oretti fails to teach a cleaning pad member. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to interchangeably use a brush or a cleaning pad in the invention of Oretti. Both brushes and cleaning pads are commonly known and used in cleaning for sweeping and wiping articles to make it clean. Kim teaches a cleaning device having a sponge device for cleaning surfaces. Sponge 17 (cleaning pad) is a conventional sponge used for cleaning. It would be obvious to one of ordinary skill in the art at the time of the invention to use substitution of known equivalent structures. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958). Brushes and sponges are commonly used cleaning devices that can be used substituted for performing basic cleaning means. It would be

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beneficial to use a cleaning pad in instances of cleaning when a wet spill has been made.

Oretti and Kim teach the claimed invention except fail to teach a sachet member formed within the cleaning sponge 17. However, Rivera teaches a similar in the art cleaning pad having a cleaning pad 20 made of a sponge material. Inside cleaning pad 20 (see Figure 3) are rupturable packets 28 which comprise a plurality of pouches 50 (sachet members) that contain a liquid cleaning or active material 54 of suitable type to clean various soiled surfaces. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate rupturable packets in the cleaning pad of Oretti-Kim, as taught by Rivera, since these packets allow cleaning material to be dispensed onto the surface to be cleaned and are beneficial in increasing cleaning efficiency and sanitizing. A disposable packet of cleaning fluid formed within the cleaning pad also increases portability of the cleaning apparatus.

In re Applicant's claim for a second squeegee, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate Kim's first squeegee 14 and have a second squeegee located opposite thereof, on the bottom side of the cleaning pad. A second squeegee member merely increases known cleaning/dirt removal means performed by the first squeegee 14. A second squeegee also increases usability by allowing better ergonomic fit of the squeegee blade with the surface being cleaned, thus allowing easier operability by the user. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960). A second squeegee member

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which is a duplication of Kim's already taught first squeegee member 14 would merely duplicate the functions of the first squeegee member 14. Correspondingly, second squeegee member would have a cylindrically curved surface and extend the length of sponge 17, like first squeegee member 14.

As a result, with a first squeegee member 14 located on an upper side of the sponge 17 and a second squeegee member located on a lower side of the sponge 17, then the sponge and its packets (sachet members) would be positioned between the squeegee members.

Claims 20 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oretti, Kim, and Rivera as applied to claims above, and further in view of Gibbs et al. herein referred to as "Gibbs" (US Patent No. 4,823,427).

Oretti, Kim, and Rivera teach the claimed invention to have a handle 2 except fail to teach the handle to be pivotable. However, Gibbs teaches a conventional cleaning mop having a pivotal handle 52. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a pivoting handle in the invention of Oretti-Kim-Rivera, as taught to be known in the art of sponge-headed mops, to allow the user enhanced maneuverability, control, and reach. Thus resulting in easier and more efficient cleaning. Having a pivotal mop head on a sponge cleaning device is conventional in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/Rita R. Patel/
Examiner, Art Unit 1792